Supreme Court, U.S.
FILED
04-1080 FEB 7 - 2005
OFFICE OF THE CLERK

IN THE

Supreme Court of the United States

AGWU NWOKE,

Petitioner,

v.

STUART E. PALMER,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

Agwu Nwoke
(Pro Se)
522 Alcott Lane
Bolingbrook, IL 60440
Phone: 630-679-1567

QUESTION PRESENTED

Is Judge Stuart Palmer entitled to testimonial immunity with regard to Palmer's sworn answers to Agwu Nwoke's written questions in a deposition testimony?

PARTIES TO THE PROCEEDING

The parties to the proceedings in the United States Court of Appeals for the Seventh Circuit, were:
(a) Petitioner, Agwu Nwoke, a private person; and
(b) Respondent, Stuart E. Palmer, a judge in the Circuit Court of Cook County, Illinois.

Agwu Nwoke represented himself. Stuart Palmer was represented by the Illinois State Attorney General.

No publicly held company owns 10% or more of Agwu Nwoke's stock.

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PETITION FOR A WRIT OF CERTIORARI

Petitioner Agwu Nwoke, respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Seventh Circuit, in this case.

OPINIONS OR ORDERS BELOW

A copy of the order of the United States Court of Appeals for the Seventh Circuit is included in the Appendix.

A copy of the minute order of United States District Court, Chicago, is also included in the Appendix.

JURISDICTION

The judgment of the United States Court of Appeals for the Seventh Circuit, was issued on November 8, 2004. This Court has jurisdiction over the petition pursuant to 28 U.S.C. § 1254(1).

STATEMENT OF THE CASE

On June 06, 2002, Agwu Nwoke filed a third amended complaint against one Cleotha Jones, at the Circuit Court of Cook County, Chicago, Illinois. Cleotha Jones is a sergeant in the Illinois State Police. In the third amended complaint, Agwu Nwoke alleged that Cleotha Jones forged the signature of a judge, on a Complaint for Search Warrant.

On May 10, 2002, a Cook County Circuit Court (Law Division) ruled that Agwu Nwoke's complaint in the State court, had stated a cause of action by alleging that Cleotha Jones forged the signature of a judge on the Complaint for Search Warrant.

On September 04, 2002, Cleotha Jones claimed that Judge Stuart E. Palmer signed the Complaint for Search Warrant on March 12, 1997.

On December 10, 2002, a court in the Law Division of the Circuit Court of Cook County, granted Agwu Nwoke leave to issue a subpoena requiring Judge Palmer to provide answers to Nwoke's written questions.

On December 12, 2002, Agwu Nwoke sent Agwu Nwoke's written questions to Judge Stuart E. Palmer. In Question # 2 of the written questions, Agwu Nwoke asked Judge Palmer: "On what date and at what time, did Judge Stuart E. Palmer sign the Complaint for Search Warrant (Exhibit *W*)?" Judge Palmer's sworn answer to the question was: "March 12, 1997 at 10:00 a.m."

On January 06, 2003, Agwu Nwoke filed a Complaint at the U.S. District Court, Chicago, against Judge Stuart E. Palmer. In the Complaint, Agwu Nwoke asserted that, Judge Palmer's claim that Judge Palmer signed the Complaint for Search Warrant on March 12, 1997, was false.

Agwu Nwoke asserted that Judge Palmer did not sign the Complaint for Search Warrant on March 12, 1997. Agwu

Nwoke also asserted that the judge's signature on the Complaint for Search Warrant was signed after March 12, 1997.

On January 22, 2003, Judge Palmer filed a motion to dismiss Agwu Nwoke's Complaint at the U.S. District Court, Chicago. On January 28, 2003, the U.S. District Court dismissed Agwu Nwoke's Complaint. On February 06, 2003, Agwu Nwoke filed a timely Notice of Appeal.

On March 24, 2004, the United States Court of Appeals for the Seventh Circuit, issued an order remanding the case to the district court for the limited purpose of allowing the district court to provide a detailed written explanation of the district court's decision. In the opinion of the Court of Appeals, "the reasoning supplied by the district court does not provide an adequate basis for review."

On April 29, 2004, Judge James Zagel of the U.S. District Court, Chicago, provided an explanation of Judge Zagel's decision to dismiss Agwu Nwoke's complaint.

On November 8, 2004, a three-judge panel of the United States Court of Appeals for the Seventh Circuit, issued an unpublished order affirming the judgment of the district court.

REASONS FOR GRANTING CERTIORARI

SUMMARY

Judge Palmer is not entitled to testimonial immunity, in view of the fact that (a) Judge Palmer conspired with a police officer to commit forgery, and (b) Judge Palmer was not a witness at a trial when Judge Palmer lied in a sworn statement.

A person (*Mr. A*) is liable to damages suits if *Mr. A* conspires with another individual (*Mr. B*) to interfere with the rights of a third person (*Mr. C*).

Judge Palmer is not entitled to judicial immunity, in view of the fact that, the act of responding to written questions in a deposition testimony, is not a judicial act.

DETAILS

The U.S. Court of Appeals for the Seventh Circuit stated on page 3 of its order of November 8, 2004, that:

> "Absolute immunity from suit is extended to individuals who provide testimony in judicial proceedings, *Briscoe v. La Hue*, 460 U.S. 325 (1983); *Curtis v. Bembenek*, 48 F.3d 281, 284 (7th Cir. 1995). The rationale for doing so is straight forward: without immunity, witnesses might be reluctant to come forward and, even if they did, might shade their testimony and 'deprive the finder of fact of candid, objective, and undistorted evidence.' *Briscoe*, 460 U.S. at 333."

In response to the statement quoted above, Agwu Nwoke wishes to bring the following information to the attention of this Court: An Illinois judge granted Nwoke leave to issue a subpoena requiring Judge Palmer to answer written questions in a deposition testimony. The order of the Illinois judge is part of the record on appeal.

In *Briscoe v. LaHue*, 460, U.S. 325, 329, the U.S. Supreme Court stated that the writ of certiorari presented the following question: "Whether a police officer who commits perjury during a state criminal trial should be granted absolute immunity from civil liability under 42 U.S.C. § 1983." The key word here is **trial**. The U.S. Supreme Court in *Briscoe v. LaHue* went on to state: "The petition does not raise the question of immunity for testimony at pretrial proceedings such as probable-cause hearings."

In *Briggs v. Goodwin*, 569 F.2d 10, 11 (DC Cir. 1977), the D.C. Court of Appeals affirmed a lower court's ruling denying a Justice Department attorney's motion to dismiss (on grounds of witness immunity) an action for damages brought against the attorney, based on allegations that the attorney, as special prosecutor conducting grand jury proceedings investigating an organization, gave knowingly false testimony to a district court that no members of the organization who had been subpoenaed to appear as witnesses in the proceedings, were government informants.

An individual who commits the act of perjury in a sworn written statement, is liable to damages suits if the rights of another person are violated by that act of perjury.

In *Ienco v. City of Chicago et al*, 286 F.3d 994, 1000 (7th Cir. 2002), the circuit court wrote: "no absolute testimonial immunity attaches to the actions of the officers outside of trial." Judge Palmer can only assert a defense of testimonial immunity if he is a witness at a trial. Testimonial immunity does not attach to the actions of Judge Palmer in a

sworn statement where Judge Palmer concurs with a police officer to commit forgery.

On September 04, 2002, Cleotha Jones claimed that Judge Palmer signed the Complaint for Search Warrant on March 12, 1997. Judge Palmer knew that Cleotha Jones's statement was false. In order to lend credence to Cleotha Jones's claim, Judge Palmer stated in Palmer's response to Nwoke's written questions, that Judge Palmer signed the Complaint for Search Warrant on March 12, 1997. Judge Palmer knew fully well that the Complaint for Search Warrant was nonexistent on March 12, 1997.

The act that Judge Palmer was abetting, was an act of forgery. 720 ILCS 5/17-3 states:

> "(a) A person commits forgery when, with intent to defraud, he knowingly: (1) makes or alters any document apparently capable of defrauding another in such manner that it purports to have been made by another or at another time, or with different provisions, or by authority of one who did not give such authority."

In *Stump v. Sparkman*, 435 U.S. 349 (1978), the U.S. Supreme Court held that judicial immunity applies unless the judge was acting without jurisdiction or the act was non-judicial. In the case before the federal district court, the act of responding to written questions in a deposition testimony was non-judicial. Cleotha Jones, an Illinois State Police officer, claimed that the Complaint for Search Warrant was signed by Judge Palmer on March 12, 1997. Agwu Nwoke alleged that the Complaint for Search Warrant was not signed by a judge on March 12, 1997. Judge Palmer would not have been asked to respond to any written question

if the Complaint for Search Warrant was duly filed with the Clerk of the Circuit Court of Cook County.

A judge acts in his official capacity when he signs a Complaint for Search Warrant. However, a judge is not acting in his official capacity, when he responds to written questions that raise the question of authenticity or falsity of a judge's signature on a Complaint for Search Warrant.

CONCLUSION

Based upon the foregoing facts, it is obvious that Stuart Palmer is not entitled to testimonial immunity with regard to Palmer's sworn answers to written questions in a deposition testimony. Agwu Nwoke submits that this Court should grant review in this case to reverse the order of the United States Court of Appeals for the Seventh Circuit.

Respectfully submitted,

s/ A. Nwoke

Agwu Nwoke

(Petitioner)

522 Alcott Lane
Bolingbrook, IL 60440

Phone: 630-679-1567

Date: February 04, 2005

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UNPUBLISHED ORDER
Not to be cited per Circuit Rule 53

UNITED STATES COURT OF APPEALS
For the Seventh Circuit
Chicago, Illinois 60604

Submitted October 21, 2004
Decided November 8, 2004

Before

HON. KENNETH F. RIPPLE, *Circuit Judge*

HON. DANIEL A. MANION, *Circuit Judge*

HON. ANN CLAIRE WILLIAMS, *Circuit Judge*

No. 03-1325

AGWU NWOKE,
Plaintiff-Appellant,

v.

STUART E. PALMER,
Defendant-Appellee.

Appeal from the United States District Court for the Northern District of Illinois, Eastern Division.

No. 03 C 87

James B. Zagel, *Judge.*

ORDER

1

BACKGROUND

In early 1997, police in Illinois began investigating Agwu Nwoke for Medicaid fraud and practicing medicine without a license. During the investigation, Cook County Circuit Judge Stuart Palmer signed a warrant permitting Sergeant Cleotha Jones to search the medical center where Mr. Nwoke supposedly worked. In 2002, after the warrant had been executed and Mr. Nwoke had been convicted of fraud, he filed a complaint in an Illinois court against Sergeant Jones, alleging that she had forged Judge Palmer's signature on the warrant and asking for damages in excess of $30,000. As part of that suit, Mr. Nwoke served a set of written questions on Judge Palmer, asking among other things, "On what date and at what time did Judge Stuart E. Palmer sign the Complaint for Search Warrant?" The judge answered, "March 12, 1997 at 10:00 a.m." which is consistent with the date noted on the warrant. During a later bench trial on Mr. Nwoke's claims, Judge Palmer testified consistently with his deposition testimony[1] that he signed the complaint for the search warrant on the date and time indicated.

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[1] The parties characterize Mr. Nwoke's submissions to the judge as "interrogatories" (*see, e.g.*, R:1, Complaint; Appellant Br. At 4). This is a misnomer. An interrogatory is a "written question...submitted to an *opposing party*." *Black's Law Dictionary* (7th ed. 1999) (emphasis added). Judge Palmer, however was not a party to Mr. Nwoke's suit against Cleotha Jones. Accordingly, Judge Palmer's answers are more appropriately termed "deposition testimony" taken via written questions pursuant to Illinois Supreme Court Rule 202.

Meanwhile, before trial commenced in his suit against Sergeant Jones, Mr. Nwoke sued Judge Palmer in federal court under 42 U.S.C. § 1983, alleging that he had lied in response to the written queries and by so doing had violated Mr. Nwoke's civil rights. The district court dismissed Mr. Nwoke's complaint and he appealed, but because the district court had not provided a written statement of reasons for terminating the suit, we remanded the case under Circuit Rule 50 for the limited purpose of obtaining clarification for the dismissal. Having now received the revised order and the parties' supplemental briefs, the case is ready for decision.

II

ANALYSIS

Although the district court advanced several reasons for dismissing Mr. Nwoke's suit, we may affirm the judgment on any basis supported by the record. *Vargas-Harrison v. Racine Unified Sch. Dist.*, 272 F.3d 964, 974 (7th Cir. 2001). We now do so on the basis of witness immunity. We review de novo the dismissal of Mr. Nwoke's complaint on grounds of immunity, and accept as true all well-pleaded allegations in Mr. Nwoke's complaint and draw all reasonable inferences in his favor. *Manning v. Miller*, 355 F.3d. 1028, 1031 (7th Cir. 2004). If after review, however, we determine that Mr. Nwoke cannot prove any set of facts consistent with his complaint that would entitle him to relief, we shall affirm the dismissal of his complaint. *Id.*

Absolute immunity from suit is extended to individuals who provide testimony in judicial proceedings. *Briscoe v. LaHue*, 460 U.S. 325 (1983); *Curtis v. Bembenek*, 48 F.3d 281, 284 (7th Cir. 1995). The rationale for doing so is

straightforward; without immunity, witnesses might be reluctant to come forward and, even if they did, might shade their testimony and "deprive the finder of fact of candid, objective, and undistorted evidence." *Briscoe*, 460 U.S. at 333. Even though the question certified in *Briscoe* was whether a police officer had immunity for testimony given in a criminal trial, courts have interpreted its holding broadly and extended it, for example, to civil actions, *see e.g., Meyers v. Contra Costa County Dep't of Soc. Serv.*, 812 F.2d 1154. 1156 (9th Cir. 1987); *Myers v. Morris*, 810 F.2d 1437, 1466-67 (8th Cir. 1987), *abrogated on other grounds by Burns v. Reed*, 500 U.S 478 (1991), pretrial hearings, *see e.g., Moore v. McDonald*, 30 F.3d 616, 619-20 (5th Cir. 1994); *Dalovia v. Rose*, 849 F.2d 74, 75-76 (2d Cir. 1988), and even grand jury proceedings, *see e.g., Kincaid v. Eberle*, 712 F.2d 1023, 1023-24 (7th Cir. 1983) (per curiam); *Lyles v. Sparks*, 79 F.3d 372, 378 (4th Cir. 1996); *Kelly v. Curtis*, 21 F.3d 1544, 1553 (11th Cir. 1994).

We need not however canvass the entire range of authority to decide the issue here, for given the facts presented, we need look no further than our own decision in *Buckley v. Fitzsimmons*, 919 F.2d 1230 (7th Cir. 1990), *rev'd in part on other grounds*, 509 U.S. 259 (1993). In *Buckley*, we upheld a grant of absolute immunity to expert witnesses for pretrial activities—evaluating evidence, compiling reports, talking with prosecutors—in preparing to testify. *Id.* at 1244-45. We reasoned that Briscoe would offer a "hollow immunity" if a party "could turn around and say, in effect: 'True, your delivery of bad testimony is immunized, but preparing to deliver that testimony is not, so I can litigate the substance of your testimony.'" *Id.* at 1245.

The same results obtain here. If Mr. Nwoke could sue Judge Palmer for his deposition testimony, Mr. Nwoke would be allowed to circumvent the absolute bar to suit for the same

testimony given in open court. Just as in *Buckley*, the gravamen of the complaint is the substance of Judge Palmer's statement that he signed the search warrant when he did, irrespective of whether that testimony was delivered in court or through pleadings submitted by the parties. "Substance," however, is exactly what *Briscoe* puts off limits," id at 1245; *Newsome v. McCabe*, 319 F.3d 301, 304 (7th Cir. 2003), which is why we must conclude that Judge Palmer is entitled to absolute immunity for his deposition testimony and why Mr. Nwoke's complaint must be dismissed.

Conclusion

For the foregoing reasons, the judgment of the district court is affirmed.

AFFIRMED

After an examination of the briefs and the record, we have concluded that oral argument is unnecessary. Thus, the appeal is submitted on the briefs and the record. *See* Fed. R. App. P. 34(a)(2).

UNITED STATES DISTRICT COURT
NORTHERN DISRTICT OF ILLINOIS

Michael W. Dobbins
Clerk

MINUTE ORDER of 4/29/04 by Hon. James B. Zagel: Enter order pursuant to remand for clarification of ruling on defendant Palmer's motion to dismiss.

This docket entry was made by the Clerk on May 3, 2004

Nwoke v. Palmer 03 C 0087 Judge Zagel

Plaintiff Agwu Nwoke has filed this action against Stuart E. Palmer, a duly sworn judge of the Circuit Court of Cook County, State of Illinois, assigned to the Criminal Division at 26th Street and California Avenue in Chicago, Illinois. Nwoke alleges that Judge Palmer made a false statement while answering interrogatories issued to him in a civil case, *Nwoke v. Jones*, Cook County Court Number 01 L 7489. In that case, Judge Palmer is not named as a defendant. Rather, the Circuit Court granted Nwoke leave to issue a subpoena requiring Judge Palmer to answer written interrogatories as a fact witness based upon his actions as a judge. Judge Palmer answered the interrogatories, stating that he signed a Complaint for Search Warrant. Nwoke alleges that Judge Palmer did not sign the Complaint and that Illinois State Police Sergeant Cleotha Jones forged the signature of Judge Palmer. Nwoke further alleges that his civil rights were violated and he requests $99 million is relief.

On January 22, 2003, Palmer moved to dismiss Nwoke's suit. I granted this motion on January 28 for reasons stated in open court. On March 24, 2004, the Seventh Circuit found that the reasoning supplied by me for dismissing the case did not provide an adequate basis for review, and remanded the case for the limited purpose of allowing me to provide a detailed written explanation for my decision, which I now do.

Even if the common law doctrine of absolute judicial immunity does not protect Judge Palmer from civil liability for his judicial actions thus warranting dismissal of this case, the doctrine of testimonial immunity protects him thus warranting dismissal. Witnesses are protected from liability from alleged perjury by the doctrine of testimonial immunity. *Briscoe v. LaHue*, 460 U.S. 325 (1983). Section 1983 does not provide for a damages claim against witnesses who allegedly perjure themselves. *Id.* In this case, if I were to find that Judge Palmer was not acting in official capacity when he acknowledged signing the Complaint for a Search Warrant in his interrogatory answers (thus depriving him of absolute judicial immunity), I would have to determine that Judge Palmer was then acting as a witness in a civil lawsuit. As such, this case should be dismissed because Judge Palmer would then be protected against allegations that he committed perjury by the doctrine of testimonial immunity.

Even if testimonial immunity does not protect Judge Palmer, this case should nonetheless be dismissed because Nwoke's claims are barred by the *Younger* doctrine. Only under very extraordinary circumstances will federal courts intervene in state court proceedings. In *Younger v. Harris*, 401 U.S. 37, 43 (1971), the Supreme Court stated that "[s]ince the beginning of this country's history Congress

has, subject to few exceptions, manifested a desire to permit state courts to try state cases free from interference by federal courts." Here, there are no extraordinary circumstances to compel me to intervene in the underlying state court action. There is an adequate opportunity at the state level to address Nwoke's allegations that Judge Palmer did not sign the Complaint for Search Warrant. In fact, this is the sole allegation in the state court complaint. Therefore, the state court proceeding will necessarily address this issue at trial. This case is a textbook example of a case in which the federal courts should not intervene. *See Middlesex County Ethics Comm. v. Garden State Bar Ass'n*, 457 U.S. 423 (1982); *Majors v. Englebrecht*, 149 F.3d 709 (7th Cir. 1998).

For the reasons above, Palmer's Motion to Dismiss was GRANTED.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

AGWU NWOKE,	)	03 C 00087
	)	RECEIVED
Plaintiff,	)	JAN 06 2003
	)	
v.	)	CLERK U.S.
	)	DISTRICT COURT
STUART E. PALMER,	)	
	)	JUDGE ZAGEL
Defendant.	)	
		MAGISTRATE
		JUDGE GERALDINE
		SOAT BROWN

COMPLAINT IN A CIVIL CASE

RELIEF SOUGHT BY PLAINTIFF: $99,000,000.00

The Plaintiff claims as follows:

1. On June 06, 2002, Agwu Nwoke filed a third amended complaint against one Cleotha Jones, at the Circuit Court of Cook County, Chicago, Illinois.

Cleotha Jones is a sergeant in the Illinois State Police. In the third amended complaint, Agwu Nwoke alleged that Cleotha Jones forged the signature of a judge, on a Complaint for Search Warrant.

2. On May 16, 2002, a Cook County circuit court, ruled that Agwu Nwoke's complaint in the State court, had stated a cause of action by alleging that Cleotha Jones forged the signature of a judge on the Complaint for Search Warrant.

3. On September 04, 2002, Cleotha Jones claimed that Judge Stuart E. Palmer signed the Complaint for Search Warrant on March 12, 1997.

4. On December 12, 2002, Agwu Nwoke sent Agwu Nwoke's written interrogatories to Judge Stuart E. Palmer. In Question # 2 of the written interrogatories, Agwu Nwoke asked Judge Palmer: "On what date and at what time, did Judge Stuart E. Palmer sign the Complaint for Search Warrant (Exhibit *W*)?" Judge Palmer's sworn answer to the question was: "March 12, 1997 at 10:00 a.m." (Exhibit *A*)[1]

5. Agwu Nwoke asserts that, Judge Stuart E. Palmer's claim that Judge Palmer signed the Complaint for Search Warrant on March 12, 1997, was false, and is false.

6. Agwu Nwoke asserts that Judge Palmer did not sign the Complaint for Search Warrant on March 12, 1997.

7. Agwu Nwoke asserts that the judge's signature on the Complaint for Search Warrant, was signed after March 12, 1997.

8. By making the false claim that Judge Stuart E. Palmer signed the Complaint for Search Warrant on March 12, 1997, Judge Stuart E. Palmer violated Agwu Nwoke's civil rights pursuant to 42 U.S.C. § 1983.

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[1] Exhibit *A*, three pages long, is attached in order to put Judge Palmer's sworn answer in perspective. Exhibit *W* is ten pages long, and is not attached.

I, Agwu Nwoke, certify that I am the Plaintiff in the above-entitled action. All the allegations in this complaint are true.

s/ A Nwoke
Agwu Nwoke

Address: 522 Alcott Lane, Bolingbrook, IL 60440

Phone: 630-679-1567

Date: January 06, 2003

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

AGWU NWOKE,	)	FILED-9
	)	2002 DEC 19
Plaintiff,	)	PM 12:42
	)	CLERK OF CIRCUIT
v.	)	COURT
	)	LAW DIVISION
CLEOTHA JONES,	)	
	)	Case No. 01L
Defendant.	)	7489

JUDGE STUART E. PALMER'S ANSWERS TO PLAINTIFF'S WRITTEN INTERROGATORIES

The Honorable Stuart E. Palmer, a Judge of the Circuit Court of Cook County, a non-party to this action, hereby answers plaintiff's interrogatories as follows:

1. Cleotha Jones, a Sergeant in the Illinois State Police, wrote a "Complaint for Search Warrant", a copy of which is enclosed in this package and marked as Exhibit *W*. Did Judge Stuart E. Palmer sign the Complaint for Search Warrant (Exhibit *W*)?

ANSWER: Yes.

2. On what date and at what time, did Judge Stuart E. Palmer sign the Complaint for Search Warrant (Exhibit *W*)?

ANSWER: March 12, 1997 at 10:00 a.m.

3. A "Search Warrant" purportedly issued to Cleotha Jones and dated 03/12/97 is enclosed and marked as Exhibit *S*. When was the Search Warrant returned to Judge Palmer?

ANSWER: To the best of my recollection, this search warrant was never returned to me.

4. Was the Search Warrant in Question # 3, returned to Judge Palmer as "executed" or "not executed"?

ANSWER: To the best of my recollection, this search warrant was never returned to me.

5. When were the instruments, articles or things seized during the search, returned to Judge Stuart E. Palmer?

ANSWER: To the best of my recollection, neither this search warrant nor any instruments, articles or things seized during the search were ever returned to me.

6. When was the inventory of any instruments, articles or things seized, returned to Judge Stuart E. Palmer?

ANSWER: To the best of my recollection, neither this search warrant nor any inventory of any instruments, articles or things seized were ever returned to me.

7. What was the name of the officer who returned the Search Warrant and the inventory to Judge Palmer?

ANSWER: To the best of my recollection, neither this search warrant nor any inventory associated with the search warrant were ever returned to me.

8. What was the "search warrant number" of the Search Warrant issued to Cleotha Jones?

ANSWER: I do not know the search warrant number.

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

Date: 12-16-02

s/ Stuart Palmer
STUART E. PALMER
Judge, Circuit Court
of Cook County